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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

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DOCKETED

OCT 15 2010

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY *[Signature]*

IN THE MATTER OF THE APPLICATION OF
WINCHESTER WATER COMPANY, LLC, FOR
APPROVAL OF SALE ASSETS AND TRANSFER
CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. W-04081A-10-0145

PROCEDURAL ORDER

BY THE COMMISSION:

On April 15, 2010, Winchester Water Company, LLC ("Winchester" or "Applicant"), filed with the Arizona Corporation Commission ("Commission") an application for approval to sell its water system assets and transfer its Certificate of Convenience and Necessity ("CC&N") from managing partner Charles Cardinal and partner Penny Cardinal to new managing partner Phil Auernheimer and partner Phyllis Auernheimer ("Application").

On May 19, 2010, Winchester filed a certification that it had mailed notice of the Application to its customers.

On July 27, 2010, the Commission's Utilities Division Staff ("Staff") filed an Insufficiency Letter in this docket.

On September 10, 2010, Staff filed a Sufficiency Letter in this docket indicating the Application had met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

On September 17, 2010, Staff filed its Staff Report in this matter.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held on **December 7, 2010, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 400 West Congress, Room 222, Tucson, Arizona 85701.

1 IT IS FURTHER ORDERED that the Applicant's members or managers shall designate
2 an individual to represent it at hearing in this matter and shall file with the Commission's
3 Docket Control, no later than November 8, 2010, an Authorization of the Applicant's members
4 or managers allowing their designee to represent Winchester at hearing.

5 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-
6 105, except that all Motions to Intervene must be filed on or before November 19, 2010.

7 IT IS FURTHER ORDERED that any objections to the Staff Report or to any Motions to
8 Intervene shall be filed on or before November 29, 2010.

9 IT IS FURTHER ORDERED that the Applicant shall mail to each customer and property
10 owner or property owner representative in the CC&N area a copy of the following notice and shall
11 cause the following notice to be published in a newspaper of general circulation in its service
12 territory, with publication and mailing to be completed no later than November 8, 2010.

13 IT IS FURTHER ORDERED that the Applicant shall file certification of mailing and
14 publication as soon as practicable after mailing and publication has been completed, but not later
15 than November 22, 2010.

16 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
17 publication of same, notwithstanding the failure of an individual customer or property owner to read
18 or receive the notice.

19 IT IS FURTHER ORDERED that the Applicant shall provide public notice of the hearing in
20 this matter, in the following form and style with the heading in no less than 14-point bold type and
21 the body in no less than 10-point regular type:

22 **PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF**
23 **WINCHESTER WATER COMPANY, LLC,**
24 **FOR APPROVAL OF SALE OF ASSETS AND TRANSFER OF CERTIFICATE**
25 **OF CONVENIENCE AND NECESSITY.**
(Docket No. W-04081A-10-0145)

26 **Summary**

27 On April 15, 2010, Winchester Water Company, LLC ("Applicant"), filed with the
28 Arizona Corporation Commission ("Commission") an application for approval to sell
its water system assets and transfer its Certificate of Convenience and Necessity to
Phil Auernheimer and Phyllis Auernheimer. The Commission's Utilities Division
("Staff") has recommended approval of the Applicant's application. The Commission

is not bound by the proposals made by the Applicant, Staff, or any intervenors. The Commission will issue a decision regarding the Applicant's application following consideration of testimony and evidence presented at an evidentiary hearing.

How You Can View or Obtain a Copy of the Application

Copies of the application are available at the Applicant's offices [APPLICANT INSERT ADDRESS HERE] and the Commission's offices at 1200 West Washington, Phoenix, Arizona, and the Commission's Tucson offices at 400 West Congress, for public inspection during regular business hours and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

Arizona Corporation Commission Public Hearing Information

The Commission will hold a hearing on this matter beginning **December 7, 2010, at 10:00 a.m.**, at the Commission's offices, 400 West Congress, Room 222, Tucson, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted via email (visit http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf for instructions), or by mailing a letter referencing Docket Number W-04081A-10-0145 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007. If you require assistance, you may contact the Consumer Services Section at (800) 222-7000 or (520) 628-6550.

About Intervention

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. **If you would like to intervene, you must file a written motion to intervene with the Commission no later than November 19, 2010.** You must send copies of the motion to the Applicant or its counsel, and to all parties of record in the case. Your motion to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any party upon whom documents are to be served in your place, if desired;
2. A short statement of your interest in the proceeding (e.g., a customer of the Applicant, a shareholder of the Applicant, etc.); and
3. A statement certifying that a copy of your motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that **all motions to intervene must be filed on or before November 19, 2010.** If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Arizona Corporation Commission's webpage at <http://www.azcc.gov/divisions/utility/forms.asp>. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. **However, failure to intervene will not preclude any customer from appearing at the hearing and making a statement on such customer's own behalf.**

ADA/Equal Access Information The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this

1 document in an alternative format, by contacting the ADA Coordinator Shaylin Bernal,
2 E-mail SBernal@azcc.gov, voice phone number 602/542-3931. Requests should be
made as early as possible to allow time to arrange the accommodation.

3 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
4 Communications) continues to apply to this proceeding as the matter is set for public hearing.

5 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
6 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
7 *hac vice*.

8 IT IS FURTHER ORDERED that the intervention granted herein is conditioned upon the
9 intervenor obtaining counsel to represent the intervenor if required by Rule 31 of the Rules of the
10 Arizona Supreme Court, and such counsel filing a notice of appearance with the Commission, within
11 30 days of the date of this Procedural Order.

12 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
13 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
14 Rules of Arizona Supreme Court). Representation before the Commission includes appearances at all
15 hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled
16 for discussion, unless counsel has previously been granted permission to withdraw by the
17 Administrative Law Judge or the Commission.

18 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
19 Communications) applies to this proceeding and shall remain in effect until the Commission's
20 Decision in this matter is final and non-appealable.

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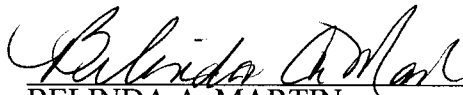
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1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.
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5 Dated this 14th day of October, 2010.
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9 BELINDA A. MARTIN
ADMINISTRATIVE LAW JUDGE

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11 Copies of the foregoing mailed/delivered
this 14th day of October, 2010, to:

12 Phil Auernheimer
13 WINCHESTER WATER COMPANY, LLC
14 7608 North La Cholla Boulevard
Tucson, AZ 85741

15 Janice Alward, Chief Counsel
16 Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, AZ 85007

17 Steven M. Olea, Director
18 Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, AZ 85007

20 ARIZONA REPORTING SERVICE, INC.
21 2200 N. Central Ave., Suite 502
Phoenix, AZ 85004

22
23 By:


Belinda A. Martin
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